

## **REMARKS**

The Office Action dated November 2, 2006 rejected claims 1-4, 7-9, 11-18, 21-23, 25-32, 35-37, and 39-42.

### **REJECTION—35 U.S.C. § 112**

The Office rejected claims 1-4, 7-9, 11-18, 21-23, 25-32, 35-37, and 39-42 under 35 U.S.C. § 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicants respectfully traverse this rejection.

The requirement that the claims particularly point out and distinctly claim the invention is explained in further detail in sections 2173 to 2173.06 of the Manual of Patent Examining Procedure (“MPEP”). The limitations include the fact that the claims must define the patentable subject matter with a reasonable degree of particularity and distinctness; the claims must be consistent with the specification; and the terminology of the claims must be apparent. The MPEP then discusses, *inter alia*, relative terminology, numerical ranges, antecedent basis, functional, alternative, and negative limitations, combinations, multiplicity of claims, and product-by-process claims.

In contrast, the Office stated that the claims “recite a set of limitations, wherein such limitations have no functional relationship to each other and wherein each limitation can perform independently without any interruption of other limitations.” Those requirements are not listed in sections 2173 to 2173.06 of the MPEP with respect to section 112, paragraph 2. Furthermore, Applicants assert that all the requirements listed in sections 2173 to 2173.06 of the MPEP with respect to section 112, paragraph 2 are met. The claims define

the subject matter with particularity and distinctness, are consistent with the specification, and the terminology of the claims is apparent. The claim terms are also not ambiguous and particularly point out and distinctly claim the patentable elements of the invention.

Therefore, Applicants submit that the rejection is not proper under section 112, paragraph 2.

Moreover, Applicants assert that the Office's assertions are not accurate. As recited in the claims, a plurality of modules are created, then the modules can be accessed by a first client representatives. The inventory information entered by the second client representative can be later accessed by the first client representative. The fact that inventory and client information can be accessed and updated by various different client representatives is what allows the client representatives to manage customers and products.

Applicants thus assert that each of the independent claims meet all the requirements of section 112. Applicants respectfully request the removal of this rejection.

#### **REJECTION—Double Patenting**

The Office provisionally rejected all the pending claims under the doctrine of obviousness-type double patenting as being unpatentable over claims 45-111 of co-pending application serial number 10/416,410. Applicant submits herewith a Terminal Disclaimer to overcome this rejection.

#### **REJECTION—35 U.S.C. § 103**

The Office rejected claims 1-4, 7-9, 11-18, 21-23, 25-32, 35-37, and 39-42 under 35 U.S.C. § 103(a) as being unpatentable over Henderson (U.S. Patent 6,327,363) and Mikurak

(U.S. Patent 6,606,744), in view of Kirkpatrick (U.S. Patent Application 2001/0042022).

Applicants respectfully traverse this rejection.

The Henderson patent generally discloses a method of allowing a customer to pre-purchase product support when they purchase a product. When a customer needs help from a customer service representative, he uses a pre-paid card containing a PIN to conduct the transaction and debit their pre-paid account. As depicted in Figures 7A-7E of Henderson, a customer dials a number, the Henderson invention collects the PIN and routes the call to the customer service center. When the customer service representative answers the call, the timer starts and the customer's pre-paid account is debited. Other than the aspect of the pre-paid debit card, the Henderson reference merely discloses a typical customer service system of the prior art.

As stated in the Office Action, Henderson fails to disclose “allowing the client representative to update the customer database from information received from the customer to add or modify a specific customer record logging the customer contact and recording any new product or warranty purchase information service request, return merchandise request or complaint using one of the plurality or modules.” However, those specific functions are the crux of the invention—a single system that allows a customer service representatives to fully service customers. As disclosed in the application as filed at page 2, lines 4-9, “if the customer service center needs to order a replacement product or order warranty/repair work, the customer service center would have to go outside its organization to perform the work. Therefore, the managing of the process has been a difficult task for the manufacturer and its third party vendors.” The system of Henderson has all the negatives described in the background section of the current application.

Furthermore, despite the assertion of the office, Henderson fails to disclose, “creating a plurality of modules for use in the multi-functional customer relationship management tool,

wherein each module allows specific access *and manipulation* of the customer and product databases” because Henderson fails to disclose the manipulation of customer and product databases. As the Office admits, Henderson only discloses accessing databases, not manipulating databases.

The Office asserts that the Mikurak reference discloses “allowing the client representative to update the customer database from information received from the customer to add or modify a specific customer record logging the customer contact and recording any new product or warranty purchase information service request, return merchandise request or complaint using one of the plurality of modules.” Applicants respectfully disagree.

The Office points to column 162, lines 46-67 and column 163, lines 32-65 as support for his argument. However, those sections do not support the Office’s assertion. The section at column 163, lines 32-65 merely disclose that customers are informed of upgrades and other commercial offerings. In contrast, the present invention claims recording new products that are *purchased* by a customer, not new product offerings.

Column 162, lines 46-67 merely discloses that a database is consulted to ensure that a person is a registered user. Unlike the claims, there is no disclosure of recording the purchase of new products or warranties. The Mikurak reference further discloses that complaints can be “handled” (though it gives no details as to how the “handling” occurs.)

The Office admits that neither Henderson nor Mikurak disclose “allowing a second client representative located at a different site from the first client representative to access the multi-functional customer relationship tool over the internet to further update record using at least one of the plurality of modules.” The Office then cites paragraphs 41-43 of the Kirkpatrick reference as containing that limitation. Applicants respectfully disagree.

Paragraphs 41-43 of Kirkpatrick merely disclose that a customer accesses an online registration system. The registration system may contain information about previous products purchased by the customer, such as manufacturer information, warranty information, and on-line manuals. The customer can also indicate his desire to receive further information regarding the products he purchased. The Kirkpatrick reference does not disclose any method for updating inventory information of a warehouse. In fact, nowhere in the entirety of the text of the Kirkpatrick reference is the term warehouse even used. Therefore the Kirkpatrick reference fails to disclose the limitation of “allowing a second client representative . . . to further update a product record . . . to update inventory information.”

Therefore, the combination of Kirkpatrick with Henderson and Mikurak fails to disclose all the limitations of the claims of the present invention. Applicant respectfully requests the removal of this rejection.

With respect to claim 2-4, 7-9, and 11-14, the Office states that the combination of Kirkpatrick, Henderson, and Mikurak discloses the elements of those claims. Applicant disagrees, for the reasons stated above.

In addition, the Office states that Mikurak discloses a “warranty administration module.” However, Mikurak only discloses that a warranty database is searched to determine if an item is covered under warranty. There is no disclosure of administering warranties using the module. The section of Mikurak quoted to support the limitation of a “credit card processing module” fails to disclose such a module. The quoted section only states that credit cards can be used on-line, not that the Mikurak invention contains such a module. The Office fails to even assert that Mikurak discloses a customer interaction

module, a return merchandise management module, an e-mail module, or a reporting system module. Therefore, Applicant asserts that the combination of Kirkpatrick, Henderson, and Mikurak fails to disclose the elements of those claims. Applicant respectfully requests the removal of this rejection.

The Office states that the remaining claims are rejected under the same rationale. Applicant disagrees and asserts that the remaining claims are all allowable as depending from an allowable base claim. Applicant respectfully requests the removal of these rejections.

## **CONCLUSION**

Based on the above amendment, Applicants believe all claims now pending in the present application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If there are any charges related to this response, the Examiner is hereby authorized to charge to White & Case Deposit Account 50-3672. Applicants thank the Examiner for carefully examining the present application. If a telephone conference would facilitate the prosecution of this application, the Examiner is invited to contact Thomas DelRosario at (650) 213-0300.

Respectfully submitted,

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